

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DOUGLAS LATTA,

Plaintiff,

-against-

ANDREW CUOMO, Attorney General of the
State of New York,

Defendants.
-----X

NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Douglas Latta, *pro se*, filed this action on September 3, 2010. (See Docket Entry # 1.) On September 24, 2010, the court granted Plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and directed Plaintiff to file an amended complaint within 30 days. (Docket Entry # 4.) The court warned Plaintiff that if he failed to do so, his complaint would be dismissed for failure to state a claim. (Id.)

On October 20, 2010, Plaintiff filed a motion for reconsideration of the court's order directing him to file an amended complaint. (Docket Entry # 6.) The court denied that motion on November 3, 2010. (Docket Entry # 8.) Plaintiff has not filed an amended complaint; his time for doing so has now expired. Consequently, Plaintiff's complaint is dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
December 17, 2010

ORDER
10-CV-4120 (NGG) (CLP)

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge